

migrant workers. Through labor camps, hobo jungles, and ruined farms westward to California, they faced a peculiar kind of torment—the torment and isolation of hardship and poverty amid plenty. Let us proceed with caution—I say this to my political colleagues in this body, in the other body, and in the executive branch, and in the State legislatures, in the counties, in the towns and communities, cities across this Nation—let us proceed with caution, lest we turn America's sweet promise of a cornucopia to bitter grapes of wrath for us all, including our legal immigrants.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I ask unanimous consent that I may proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSILE DEFENSE

Mr. COCHRAN. Mr. President, I will take a few minutes to make some observations about some of the discussions I have read in recent days in various news articles and have heard from Senators who have commented on these articles relating to missile defense and the President's efforts to discuss with Russia and other friends and allies around the world our intentions with respect to the development of missile defenses to protect the security interests of the United States.

For some reason or other, in recent weeks there have been some misinterpretations made of comments that have appeared in news articles. Some have suggested that the administration, for example, is going to abandon the ABM Treaty or is developing plans and asking for funding in this year's appropriations bills to conduct tests and do development projects for missile defense which would violate the provisions of the ABM Treaty.

It is clear from everything the President himself has said that he would like to replace the ABM Treaty, after full discussions with Russian officials, allies, and friends around the world, with a new strategic framework that more closely reflects the facts as they exist now in the relationship we have with Russia.

The ABM Treaty was written, as we know, in 1972. It was written in an atmosphere where the prevailing doctrine of national security was mutual

assured destruction where we would actually have, as a matter of national policy, a plan to annihilate or destroy cities with innocent civilians in retaliation against a nuclear missile strike against the United States from the Soviet Union. And the mutual assured destruction doctrine was very troubling in and of itself, but it was the only thing we had. Deterrence was a way of life—and also a promise of a way of death in case someone decided to authorize a strike against the other. This was an agreement that was entered into at a time when each side seemed to be intent on building new and more sophisticated and more lethal weapons systems targeted to military targets in the other's nation state.

But times have changed. The Soviet Union no longer exists. Even though the Clinton administration attempted to negotiate a succession agreement, it has never been submitted to the Senate for ratification. The succession agreement lists Russia, Belarus, and another nation state as the successor states to the Soviet Union. Think about that. I am sure the Senate would discuss that very carefully and probably at great length, and whether or not the Senate would advise and consent and permit the ratification of that treaty, to permit it to go into effect and have the force and effect of law, is problematical.

But that is just one indication of how times have changed. The Clinton administration continued to respect the ABM Treaty to the extent that it would not undertake testing of even theater missile defense systems if the Russians objected. And in the discussions with our representatives in Geneva and elsewhere, talking on these subjects, it became clear that this country was going to be inhibited in its testing programs of theater missile defense systems because of provisions of the ABM Treaty.

By now, it ought to be very clear that there are threats to our soldiers and sailors who are deployed around the world from these very theater missile offensive systems that we saw Iraq use in the desert war—in the war that we helped organize and wage against them to liberate Kuwait. Twenty-eight or twenty-nine members of a National Guard unit lost their lives in Dhahran as a result of a Scud missile attack.

We cannot tolerate being inhibited and subject to the approval of another country to test and develop and deploy a system that would protect soldiers in that circumstance in the future. We have already, as a matter of fact, developed follow-on systems to the Patriot system, which was the only thing we used to try to counter the Scud missile attacks. And we continue to upgrade and make progress in developing systems that will offer the kind of protection against those missile attacks in the future. The PAC-3 program, for

example, has had a succession of successful tests, using the hit-to-kill technology of a defensive system.

There are other examples of theater missile programs. The Army's High Altitude Air Defense Systems—the acronym is THAAD. It sounds like my name is a system that offers protection against missile attack. But to hear some Senators and look at the authorization committee's mark right now, you would think these theater systems were the same as the national missile defense system. We saw reports in the paper that the chairman had presented the Armed Services Committee with a committee print of a military authorization bill for the next fiscal year, and it cuts \$1.3 billion out of missile defense. This is being described in the newspapers, and by Senators, too, as a reduction in the amount of money that would be authorized for national missile defense.

When you look at the exact dollar amounts in the bill—and it is not national missile defense—approximately \$347 million is cut from the Navy theater-wide program in the chairman's mark, along with \$210 million for the THAAD program and \$80 million from the airborne laser program. These are not long-range missile programs. These are not missile programs designed to counter intercontinental ballistic missile threats to our country; these are designed to protect men and women in the military service of the United States who are deployed all over the world right now. And they are now under threats from the same kind of missile weapons systems that were used by Iraq. Now they have been modernized, we hear from our intelligence sources, and are more accurate and more reliable and more lethal than they were in the desert war.

These programs should not be cut in the name of trying to restrict the President from using funds that the Congress appropriates for national missile defense. These are intermediate-range defensive systems, the testing and deployment of which were not intended to be covered by the ABM Treaty. And even though the Clinton administration was negotiating with the Russians our rights to test in developing these programs—to some degree at least—it is not the subject of the ABM Treaty. The ABM Treaty wasn't designed to deal with these threats at all.

So what I am suggesting is that the Senate ought to be on early warning that we are seeing an effort being developed here—at least in the Armed Services Committee—to lay groundwork for restrictions on funding, for restrictive language, which I understand is also included in the chairman's mark, which would more closely restrict the President and the Department of Defense in their effort to fully explore the use of technologies that

would help defend our service men and women when they are in harm's way around the world today.

There are some other programs that are cut in this bill that I understand are in the chairman's mark. One is the space-based infrared system, which will provide satellites to track missiles after launch—\$97 billion is cut from that program.

So there is a pattern here of undermining the entire effort to develop our defenses to the capability they need to be to fully assure the security interests of the United States. It doesn't have anything to do with the ABM Treaty, in my view, but that is being used as an excuse to hold back these programs. The chairman's mark cuts \$350 million from a program previously known as national missile defense, though in reality the number is far higher, as the administration has sought to remove the artificial barriers between the labels "national" and "theater" missile defense.

The President is talking about missile defenses. We need to have an aggressive, robust testing program so that we can fully understand how these technologies can be harnessed to fully defend our country's interests and protect the security of our Nation.

The chairman's mark even cuts funds that would be used for cooperative missile defense modeling and simulation with Russia. We are hearing a lot about trying to interact more in a positive way with Russia. Here is an example of a program that would give us an opportunity to do that more successfully, and that is proposed for cutbacks in the Armed Services Committee.

There are various legislative restrictions, one of which will provide the Defense Department's missile activities can proceed only in accordance with the ABM Treaty.

That is redundant, isn't it? Or it suggests that the President is planning to undertake something that is inconsistent with the treaty. He has said he is not going to do that. He recognizes the treaty is an agreement that is legally binding. The President has said that.

He is hoping to replace the treaty after negotiations with the Russians with a new strategic framework, but everybody is pronouncing that around here as dead on arrival. Give the President a chance at least to discuss it fully with the Russians rather than rushing over and getting some Russian official to make some derogatory statement about the process and then quoting it as if it is national policy in Russia.

We should give the negotiators a chance. That is what I am suggesting. So writing a bill here that presumes the President is going to violate the ABM Treaty is not getting us off to a good start, particularly if this sends a signal to the Russians: You do not have

to worry about negotiating with the President of the United States in good faith because the Senate is going to take over, the Senate is going to make it impossible for the President to negotiate an agreement.

We should not undermine the President's capacity to negotiate a better agreement that will serve our national security interests in a more effective way and replace an outdated, outmoded treaty, a cold war relic, when we could, if we are successful under the President's leadership, negotiate a better agreement that more fully protects our country's national security interests. This kind of provision is needless piling on, making it more and more difficult for our President. I hope the Armed Services Committee will look very carefully at these provisions.

There are a lot of other concerns that I have. I know there may be others who want to discuss issues on other subjects of great national concern, but they are talking about now in one other line of articles that I have seen—and this was discussed in our Defense appropriations hearing yesterday by some Senators—the fact there was a quote in the paper from an administration official saying: We were not bothered by China's buildup, the modernization of their nuclear weapons capability and whether they were going to do that or not would not have any effect on our decisions with respect to missile defense programs.

Secretary Rumsfeld made it very clear at the hearing, responding to one Senator's question, that neither he nor Secretary Powell nor Dr. Condoleezza Rice had made any statement of that kind, and they knew of no one in the Department of Defense or the Department of State or at the White House who had said anything like that.

There is no quote attributed to any particular individual, but yet not only the press have taken that and made stories out of it and repeated them, but now Senators are repeating them as if it was a fact. The fact is, China has been modernizing its military for years. They did not just start a new generation of nuclear weapons or intercontinental ballistic missile technologies and systems after we began improving our missile defense capabilities. China is going to make the decisions they make based on their own considerations of what is in their interests.

I am hopeful, of course, as everyone in this administration and in this Congress, we will be able to have a stable and friendly relationship based on mutual respect with China. Efforts are being made in discussions by the Secretary of State and many others with Chinese leaders in order to develop an understanding, trying to resolve problems as they develop, and we know what they are.

The incident with the surveillance plane in the area presented its own spe-

cial set of problems, but we worked our way through that with calm and thoughtful leadership and decision-making by the President and his Cabinet officials.

The whole point of this is, we can be a party to inciting the passions of those who worry about the capacity of our country's leadership to function to protect our security interests, and we can do more harm than good by the things we say and the way we discuss these issues and the way we handle bills that come through this Senate.

We should take very seriously the provisions that are in the chairman's print of this authorization bill before the Armed Services Committee, and all Senators ought to notice what is beginning as an official part of our legislative responsibility: an effort that is clear to undermine the President's leadership capacity in developing missile defense systems that will protect our soldiers and sailors and the security interests of our country.

Those who say he is going to abandon the ABM Treaty need to look at what the President said. He is trying to replace it with a new framework, a new agreement. I have suggested to some that we ought to consider having a peace treaty as a replacement to the ABM Treaty. We are not at war with Russia any longer. They do not profess to be at war with us. The cold war is over. When wars end, peace treaties are signed. Let's sign a peace treaty with Russia. That would supplant the ABM Treaty.

The ABM Treaty locks into law the doctrine of mutual assured destruction. We do not want to destroy Russia. They should not want to destroy us. So why perpetuate that doctrine with that treaty? Let's work to develop a new framework that more clearly defines the real relationship we have with Russia now.

That is what the President wants to do. Why can't the Senate join with the President, applaud that initiative, support that effort, pass legislation to fund the efforts to strengthen our military forces so we can do the job of protecting the security of this country?

I am not going to suggest these are political games that are being played because I know there are serious differences of opinion on this and other issues that come before the Senate.

I am not questioning anybody's motives. I am just saying I hope Senators will take a careful look at the facts. As we proceed through this process of authorization and appropriation for our defense needs, let's try to work in harmony and unity as much as possible so we will not create any misunderstandings in Russia, in China, or among potential adversaries out there, the so-called rogue states, that continue to acquire technology, that continue to acquire systems, missiles, other means of developing intercontinental ballistic missile capability.

It is a dangerous place out there, and we need to be sure we are doing what we can do and ought to do to protect our security interests in this environment.

Mr. President, I yield the floor.

DISPOSAL OF RADIOACTIVE WASTE

Mr. DOMENICI. Mr. President, I rise to share some news with my Senate colleagues. And even though my subject involves radioactive waste, I'm most pleased to report that this is all good news.

As a Nation, we haven't made great progress on disposal of radioactive wastes. Yucca Mountain was supposed to open in 1998—now it might open in 2010 if it progresses at the most optimistic rate.

But in New Mexico, the Waste Isolation Pilot Plant in the city of Carlsbad opened for disposal operations in March of 1999. WIPP is the nation's first repository for the permanent disposal of defense-generated radioactive waste left from the research and production of nuclear weapons.

WIPP represents the single most dramatic advance this Nation has made in disposal of radioactive waste. In fact, WIPP is a showcase facility for the entire world for demonstrating that mankind can safely remove complex wastes from any impact on our environment.

WIPP accepts a particular kind of waste, transuranic or TRU waste, that is contaminated with certain elements, especially plutonium. This type of waste must be handled with great care to ensure safety of the public and workers. WIPP represents a cornerstone of DOE's national cleanup effort dealing with the nation's nuclear weapons complex. Today, I want to announce that WIPP has filled their first underground room to full capacity.

This is no small achievement. That room now holds over 10,000 drums of TRU waste. The waste arrived in 352 shipments from five DOE sites—Los Alamos, Rocky Flats, Idaho, Hanford, and Savannah River. That required lots of transportation, in fact about one-third of a million miles. And even with so many miles, equivalent to 13 trips around the earth, there were no accidents or even serious incidents. For those who doubt that radioactive cargoes can be shipped safely, WIPP is proof that a well-engineered transportation system can be operated to the highest standards.

The team at WIPP isn't stopping to celebrate this milestone. As I speak, they're busily accepting more waste. Earlier this week, the shipment number was up to 373 and more than 11,000 drums had moved into the facility.

In closing, I personally commend the Department of Energy, especially the Carlsbad Field Office, for their careful attention to safe operations. The com-

munity of Carlsbad deserves tremendous praise for their consistent support of WIPP and its critical national mission. And both the Environmental Protection Agency and the New Mexico Environment Department deserve compliments for their roles in oversight of this facility.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 31, 1991 in Coronado, CA. A gay man was choked and beaten by three men. Three Marines, David William Bell and Jeffrey Martin Davis, both 20, and Steven Louis Fair, 26, were charged with attempted murder, assault, robbery and a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

GENERAL HENRY H. SHELTON 14TH CHAIRMAN OF JOINT CHIEFS AND A GREAT NORTH CAROLINIAN

Mr. HELMS. Mr. President, North Carolina, down through history has been blessed with countless remarkable sons and daughters, and in my judgment, one of the truly great has been General Hugh H. Shelton, the 14th Chairman of the Joint Chiefs of Staff, who was confirmed by the Senate on October 1, 1997, and reconfirmed by the Senate for a second 2-year term in 1999.

In this capacity, this great son of Eastern North Carolina served as the principal military advisor to the President of the United States, the Secretary of Defense, and the National Security Council.

Prior to becoming Chairman, General Shelton served as Commander in Chief of the U.S. Special Operations Command.

The General was born in Tarboro, NC, in January 1942. He earned a bachelor of science degree from North Carolina State University and a master of science from Auburn University. His military education includes attendance at the Air Command and Staff College in Montgomery, AL, and at the National War College at Fort McNair, Washington, DC.

He was commissioned a second lieutenant in the infantry in 1963 through

the Reserve Officer Training Corps, and spent the next 24 years in a variety of command and staff positions in the continental United States, Hawaii, and Vietnam. He served two tours in Vietnam—the first with the 5th Special Forces Group, the second with the 173rd Airborne Brigade. He also commanded the 3rd Battalion, 60th Infantry in the 9th Infantry Division at Fort Lewis, WA; he served as the 9th Infantry Division's assistant chief of staff for operation.

He then returned to North Carolina where he commanded the 1st Brigade of the 82nd Airborne Division at Fort Bragg; and then served as the Chief of Staff of the 10th Mountain Division at Fort Drum, NY.

Following his selection as brigadier general in 1987, General Shelton served 2 years in the Operations Directorate of the Joint Staff. In 1989, he began a 2-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division (Air Assault), a tour that included the Division's 7-month deployment to Saudi Arabia for Operations Desert Shield and Desert Storm.

Upon returning from the Gulf War, General Shelton was promoted to major general and again assigned to Fort Bragg where this time he commanded the 82nd Airborne Division. In 1993, he was again promoted—to lieutenant general—and assumed command of the XVIII Airborne Corps.

In 1994, while serving as corps commander, General Shelton commanded the Joint Task Force that conducted Operation Uphold Democracy in Haiti. In March 1996, he was promoted to general and became Commander in Chief of the U.S. Special Operations Command.

In his 4 years as Chairman of the Joint Chiefs of Staff, General Shelton worked tirelessly to improve the quality of life for military members and their families. He championed numerous initiatives including the largest across-the-board pay raise for the military in 18 years—helping to narrow the civilian-military "pay gaps."

His push for pay table reform targeted greater increases for mid-grade noncommissioned officers, and his retirement reform package reinstated benefits for those entering service after 1986, and, thanks to his dedication and support, an enhanced housing allowance was implemented gradually to eliminate out of pocket expenses for service members living off post.

Chairman Shelton was a strong advocate of the effort to reform medical health care, to make medical care more responsive—to include military retirees over 65. He made great strides to improve the readiness of the U.S. military by articulating a regiment for increased defense spending. As a result, the Department of Defense realized a